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**SEP 23 2004**

Patent  
Attorney Docket No.ITW7510.008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Deonarine, Victor I.  
Serial No. : 09/683,353  
Filed : December 18, 2001  
For : **DUAL TEMPERATURE INDICATOR STICK HOLDER**  
Group Art No. : 2859  
Examiner : Jagan, M.

I hereby certify that, on the date shown below, this correspondence is being:

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☐ **37 CFR 1.8(a)**  
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☒ **Transmission**  
Transmitted by facsimile to Fax No.: 703-872-9306 addressed to Office of Petitions at the Patent and Trademark Office.

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**PETITION FOR REFUND**

Dear Sir:

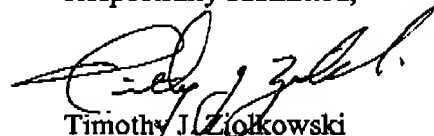
This is Applicant's second submission of this Petition for Refund originally filed on August 21, 2003 (a copy of which is included herewith).

This is a Petition for Refund of fees associated with submission of additional claims in excess of twenty (20) associated with the above captioned matter. Applicant requests a refund in the amount of \$324.00 be deposited to the credit card account

indicated in the Credit Card Authorization form submitted in the above captioned matter in the Response filed April 18, 2003.

The additional claims were submitted in response to the Examiner's indicated allowability of claims 2, 3, 4, 7, and 8. Applicant submitted new claims based on this allowability indication. The Examiner then rejected claims 22, 23, and 24 solely based on OMEGAMARKER®, a reference previously considered in the Office Action mailed February 27, 2003. The Examiner rejected claim 21 over OMEGAMARKER® further in view of Tabichnik but has rejected the original subject matter of claim 1 again based on OMEGAMARKER®. Under 37 C.F.R § 1.26, "the Commissioner may refund any fee paid by mistake or in excess of that required." The claims for which refund is sought are the result of the Examiner's indicated allowability thereof. The fee was paid based on the Examiner's express indication of allowable subject matter, which was later revoked. The examination of the now cancelled claims was paid for in the original filing fee since they are merely rewritten in independent form. As such, applicant requests a refund in the amount of \$324.00 be credited to the credit account indicated above.

Respectfully submitted,



Timothy J. Ziolkowski  
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Dated: September 23, 2004  
 Attorney Docket No.: ITW7510.008

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 262-376-5170

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Group Art No. : 2859  
Examiner : DeJesus, Lydia M.

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Transmitted by facsimile to Fax No.: 703-308-7722 addressed to Examiner DeJesus at the Patent and Trademark Office.

Date: 8-21-03

*Lydia M. DeJesus*  
Signature

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P.O. Box 1450  
Arlington, VA 22313-1450

Docketed by: *rw*

Date: 8/29/03

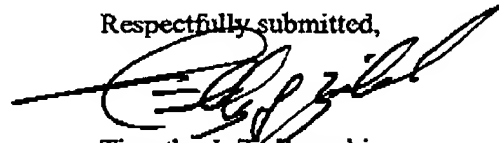
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Respectfully submitted,



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Dated: August 21, 2003  
Attorney Docket No.: ITW7510.008

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